

1 Kelsey Bernstein, Esq.
2 Nevada Bar No. 13825
3 **NEVADA APPEAL GROUP**
4 714 S. Fourth Street
5 Las Vegas, NV 89101
6 Tel: (702) 988-2600
7 Fax: (702) 988-2500
8 E-mail: kbernstein.esq@gmail.com
9 Attorney for Defendant
10 DAVID CAMEZ

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15
16 DAVID CAMEZ,
17 Defendant.

18 CASE NO: 2:12-cr-00004-APG-EJY

19 **DEFENSE COUNSEL'S UNOPPOSED**
20 **MOTION TO EXTEND TIME TO**
21 **RESPOND TO GOVERNMENT'S**
22 **MOTION TO DISMISS AND**
23 **ORDER**

24 **(First Request)**

25 CERTIFICATION: The Response filing deadline was March 23, 2020.

26 COMES NOW, Defendant, DAVID CAMEZ, by and through his counsel of record,
27 KELSEY BERNSTEIN, ESQ of Nevada Appeal Group, and hereby respectfully moves this
28 Honorable Court for a continuance based on FRCP 46(b)(1)(B). This motion is supported by the
following Points and Authorities, the United States Constitution, all pleadings and papers filed
herein, and any argument or evidence which may be presented at a hearing, if required on this
motion. Defense Counsel does not believe a hearing is necessary for decision on the instant
matter.

...

...

...

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

In this case, a continuance is necessary for Defense Counsel to effectively prepare a response to the Government's Motion to Dismiss Defendant's Untimely Motion to Vacate Sentence (Doc. 1657, filed March 4, 2020). Defense Counsel affirms that the Government does not oppose a continuance, and indicated such via electronic mail on March 23, 2020.

Defense Counsel requests a continuance of at least 30 days to investigate the timeliness of Mr. Camez's Motion to Vacate Sentence. Although this issue does not require a review of the full court record, which is substantial, several representations by Mr. Camez in his Motion require further investigation to determine the potential applicability of relevant tolling statutes. Therefore, Defense Counsel cannot effectively investigate or prepare a Response within the ordinary course of the Motion deadlines. Additional time is also required because of the limited communication abilities with Mr. Camez due to Covid-19, which has restricted communications almost entirely to regular mail.

1 **CONCLUSION**

2 For the aforementioned reasons, Defense Counsel requests this Court grant the Motion to
3 Extend Time. For the Court's convenience, Defense Counsel has included a proposed Order.

4 DATED this 27th day of March, 2020.

5
6 s/Kelsey Bernstein
7 KELSEY BERNSTEIN, ESQ.
8 Nevada Bar No. 13825
9 Attorney for Defendant
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

DAVID CAMEZ,

Defendant.

2:12-cr-00004-APG-EJY

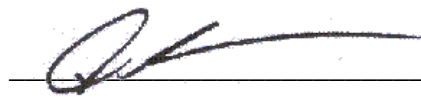
**ORDER GRANTING MOTION TO
EXTEND TIME**

The Court having considered the Defense Counsels Motion to Extend, this Court enters the following order:

Good cause appearing therefore,

IT IS THEREFORE ORDERED that the Defense Counsel shall have until
May 1, 2020, by the hour of 5:00 p.m., within which to file any and all
responsive pleadings.

Dated: March 27, 2020.



United States District Judge